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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,675	12/02/2000	Thomas Kupper	608.0005USU	6398

7590 03/06/2003

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EXAMINER

SEMBER, THOMAS M

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/729,675

Applicant(s)

Kupper et al

Examiner

Thomas Sember

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 28, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7, 10, 12, and 13 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 10 and 12-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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**Response to amendment**

***Claim Rejections - 35 U.S.C. § 112***

Claims 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.) Claim 13 is rejected because it is not clear if applicant intends on claiming the subcombination of a fluoropolymer coated surface or the combination of discharge lamp assembly with a reflector having a fluoropolymer coated surface.

***Claim Rejections - 35 U.S.C. § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

2. Claims 7, 10 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Koehler. Koehler discloses a reflector 50 comprising an interior surface and exterior surface that is formed by a heat-and/or light-shielding coating of temperature-resistant tenacious plastic that consist of a fluoropolymer. Regarding claim 10, only part of the reflector is coated with a fluoropolymer.

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***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

4. Claims 7, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizobe. Mizobe discloses a reflector 1 comprising an interior surface and exterior surface that is formed by a heat-and/or light-shielding coating of temperature-resistant tenacious plastic that consist of a fluoropolymer 2. Regarding claim 10, only part of the reflector is coated with a fluoropolymer.

***Claim Rejections - 35 U.S.C. § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

6. Claims 7, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. Yamada et al discloses an interior surface and exterior surface that is formed by a heat-and/or light-shielding coating of temperature-resistant tenacious plastic that consist of a fluoropolymer (see column 1, lines 40-53). The recitation of "a reflector for a high pressure gas discharge luminous body, said reflector

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comprising” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

### ***Response to Arguments***

7. Applicant's arguments filed on 01/28/2003 have been fully considered but they are not persuasive. The applicant's representative argues that Koehler fails to teach applicant's claimed invention. Particularly, the applicant argues that Neal or Koehler doesn't teach a temperature-resistant tenacious plastic. The examiner respectfully disagrees. As broadly claimed this is exactly what Koehler teaches. Koehler teaches that a fluoropolymer coating (see for example column 4, lines 37-42) is placed on the reflector's surface. Plastic coatings such as PTFEs or other fluoropolymers are inherently temperature resistant and is further supported by the fact that these coatings are used on cooking surfaces (see Yamada et al as discussed above). Also the term "tenacious" in Webster's dictionary merely means "tending to adhere to

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another substance.” Clearly, any the PTFE coating of Koehler would adhere to the rear surface of the reflector. Finally, applicant argues that applicant’s invention is allowable because it has a different use. This argument is not found persuasive. Koehler discloses the exact same structure as the structure claimed by applicant and therefore applicant’s claims are anticipated and are properly rejected under 102(b).

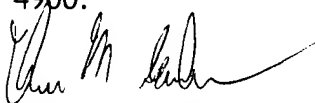
#### **Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zapata et al discloses a long-arc lamp and PTFE reflector assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is (703) 308-1938. The examiner can normally be reached on Monday - Thursday from 8:00 AM - 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached at (703) 305-4939. The fax phone number for this group is (703) 308-7724.

Any inquiries of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4900.



Thomas M. Sember  
Primary Examiner  
March 4, 2003